

THE LAW OFFICE OF

ELISA HYMAN, P.C.

June 25, 2021

Via ECF

Honorable Gabriel W. Gorenstein, USMJ
US District Court
Southern District of New York SDNY
500 Pearl St.
New York, NY 10007

MEMORANDUM ENDORSEMENT

Re: *E.H.1 v. New York City Dep't of Educ.*, 20-CV-507 (JPO)(GWG)

Dear Judge Gorenstein,

I am writing pursuant to Your Honor's Order for the parties to submit a proposed schedule today, June 25, 2021. Docket Entry 42. I represent the Plaintiffs in the above-referenced action. The parties are respectfully making one additional request for an extension of time to submit a schedule based on the fact that we are extremely optimistic that we can resolve the issues through settlement.

Since our last letter, the parties have engaged in active settlement discussions. As of this evening, City Defendants provided a revised accounting and proposal for settlement for the substantive portion of the relief based on their calculation of missed services. Plaintiffs' counsel requires time to review this new proposal and the Defendants' calculations with our client. Plaintiffs will either make a counter-proposal and include fees, or accept the offer, subject to the parties' ability to resolve attorney's fees and execute a stipulation. Once the parties have a tentative agreement on services, Defendants' counsel will need to obtain approval from the New York City Comptroller's office to resolve the attorney's fees, we will need to negotiate fees and execute a stipulation.

As the Court is aware, Defendants' counsel's office was the victim of a cyberattack that interrupted their operations and Defendants' counsel is out of the office as of tomorrow for one week for vacation. Thus, parties respectfully request until July 9, 2021 to advise the Court whether we have a settlement in principal, absent fees and a stipulation. If we do, the parties will request an additional extension of time for Defendants to apply for settlement approval and for the parties to negotiate fees. If, however, the substantive settlement breaks down, the parties propose that we will submit a proposal for the remaining deadlines in this case.

Thank you for Your Honor's consideration of this application.

Respectfully Submitted,

/s/ Elisa Hyman

Elisa Hyman, Esq.,
Counsel for Plaintiffs

Cc: Andrew Rauchberg, Esq., Counsel for Defendants, via ECF

Status report due July 9, 2021.

So Ordered.

A handwritten signature in black ink, appearing to read "Gabriel W. Gorenstein", is written over a horizontal line.

GABRIEL W. GORENSTEIN
United States Magistrate Judge
June 28, 2021